

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DANIEL E. BOYER,

Petitioner,

-v.-

Civil Action No.
9:07-cv-640 (GLS/GHL)

HOWARD MILES, Superintendent,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

DANIEL E. BOYER
Plaintiff Pro Se
Albany County Correctional Facility
Albany, New York 12211

FOR THE RESPONDENT:

HON. ANDREW M. CUOMO
Attorney General for the State of New York
Counsel for Respondent
120 Broadway
New York, New York 10271

ALYSON J. GILL
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed May 18, 2008. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

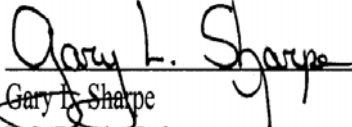
ORDERED, that the Report-Recommendation of Magistrate Judge George H. Lowe filed May 18, 2008 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the petition for a writ of habeas corpus (Dkt. No. 1) is GRANTED, and it is further

ORDERED, that the Clerk enter judgment in favor of the petitioner against the respondent.

IT IS SO ORDERED

Dated: June 12, 2008
Albany, New York



Gary L. Sharpe
U.S. District Judge